

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNIVERSITY OF PITTSBURGH OF THE
COMMONWEALTH SYSTEM OF HIGHER
EDUCATION d/b/a UNIVERSITY OF
PITTSBURGH,

08cv1307
ELECTRONICALLY FILED

Plaintiff,

v.

VARIAN MEDICAL SYSTEMS, INC.,

Defendant.

Order on Defense of Indefiniteness (Doc. Nos. 776, 779)

AND NOW, this 23rd day of April, 2012, after careful consideration of the parties Cross-Motions for Summary Judgment (doc. nos. 776, 779), Briefs in Support (doc. nos. 778, 781), Responses in Opposition (doc. nos. 800, 803), and Replies thereto (doc. nos. 813, 816), IT IS HEREBY ORDERED that Pitt's Motion for Summary Judgment (doc. no. 776) is GRANTED and Varian's Motion for Summary Judgment (doc. no. 779) is DENIED. Summary Judgment is hereby entered in favor of Pitt and against Varian on the defense of indefiniteness with respect to the defenses rejected in doc. nos. 302 and 303, and the defenses that are rejected in the foregoing Memorandum Opinion.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties